

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION

Tuesday, August 4, 1998 Rockville, Md.

The County Council for Montgomery County, Maryland convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 10:50 A.M. on Tuesday, August 4, 1998.

PRESENT

Isiah Leggett, President	William E. Hanna, Jr., Vice President
Derick Berlage	Nancy H. Dacek
Gail H. Ewing	Betty Ann Krahne
Neal Potter	Marilyn J. Praisner
Michael L. Subin	

The President in the Chair.

CALL OF BILLS FOR FINAL READING

SUBJECT: Bill 33-97, Building Permits - Notice

The Council had before it the memorandum from Senior Legislative Analyst Faden, dated August 4, 1998, containing background information, and attaching the subject bill.

Mr. Faden stated that the Planning, Housing, and Economic Development (PHED) Committee recommends approval of the subject bill with amendments. He directed attention to line 83 of the bill, stating that the bill should be further amended to delete on line 83 the number and words [30 days after].

ACTION: Adopted the following amendments as reflected in the bill:

ACTION: Enacted Bill 22-98, as amended

by recommendation of the Public Safety Committee, by a roll call vote:

YEAS: Subin, Dacek, Berlage, Ewing, Praisner, Potter, Krahnke, Hanna, Leggett.

SUBJECT: Bill 45-97, Collective Bargaining Amendments

The Council considered the memorandum from Mr. Faden, dated August 4, 1998, providing background information and informing the Council that the bill requires binding arbitration of collective bargaining agreements for County employees; requires the County to bargain with employee representatives before contracting with private parties to provide certain services or assume certain functions; repeals certain provisions governing the role of the County Council in the collective bargaining process; and modifies several other provisions governing collective bargaining with County employees.

Councilmember Potter, Lead Councilmember for Personnel, MFP Committee, presented the Committee's report, stated that the Committee believed that the service contract provision in the bill provided opportunities for extended litigation and delay of government procurements, and agreed that much of what the bill would do could be accomplished under current law and procedures. With respect to the requirements in the bill that provisions be added in the service contract for hiring displaced employees by the contractor, and for six months advance notice to affected employees, Mr. Potter expressed the view that these provisions are generally provided for under existing County procedures. Commenting on the issue of binding arbitration, Councilmember Potter expressed the view that this provision makes it more difficult to bring people together and reach mutual agreements. The provision would delete the Council's authority to approve or reject a collective bargaining agreement submitted by the County Executive. Mr. Potter said that the MFP Committee recommended disapproval of the subject bill on the basis that the provisions in the bill are not sound.

Councilmember Praisner stated that the MFP Committee had planned to review all of the provisions included in the legislation and propose language changes, but because of a busy schedule, there was insufficient time to have such a review. However, the Committee included the recommendation that the Council send the bill back to the Committee for review of all of the provisions if the Council should reject the Committee's recommendation and be inclined to enact the bill.

Councilmember Berlage said that the provision for binding arbitration would be an extension of the system that already exists for some County employees. He said that he would be ready to vote on the binding arbitration portion of the legislation today, but agrees that the service contract provisions need more work. Mr. Berlage suggested that the separate votes could be taken on the two parts of the bill, the binding arbitration provision, and the service contract provisions, and depending upon the outcome of the votes, one or both of the two parts of the bill could be returned to the MFP Committee for extensive review.

Councilmember Subin expressed the view that binding arbitration will result eventually in a reasonable resolution. He said that the processes work well for the Fraternal Order of Police and he believes it will work well for the International Association of Fire Fighters. Mr. Subin said that binding arbitration will ensure that agreements are reached through modification and consultation.

Councilmember Ewing moved, duly seconded, a substitute motion to separate the service contract provisions from the remainder of the bill and send the remainder of the bill back to the Committee for extensive review in order that the binding arbitration issues can be fully addressed. Ms. Ewing suggested that the Committee begin its review by addressing Section 2 of the bill, beginning on page 4 of Mr. Faden's memorandum.

Councilmember Hanna expressed opposition to Ms. Ewing's motion, stating that he sees no reason for it. He noted that the MFP Committee has unanimously recommended disapproval of the bill. In his opinion, unless one of the major provisions of the bill would be approved by the Council, it would not be worthwhile to return it to the Committee. He said that he believes there are three parts to the subject bill: the service contracts, privatization, and binding arbitration.

ACTION: Defeated Councilmember Ewing's substitute motion:

YEAS: Subin, Ewing, Leggett

NAYS: Praisner, Potter, Krahnke, Hanna, Dacek.

ABSENT: Berlage (temporarily).

Disapproved Bill 45-97

by recommendation of the MFP Committee, by a roll call vote:

YEAS: Dacek, Praisner, Potter, Krahnke, Hanna

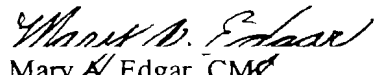
NAYS: Subin, Ewing, Leggett

ABSENT: Berlage (temporarily).

President Leggett announced that Councilmember Berlage was temporarily absent for the vote on the bill due to a family emergency.

The meeting adjourned at 12:04 P.M.

This is an accurate account of the meeting:


Mary A. Edgar, CMC
Secretary of the Council

Minutes written by: Mary A. Edgar